

REMARKS

The claims were amended in accordance with the amendments above. The amendments are being made to clarify the invention and to focus the claims on those aspects of the invention which are a commercial priority to the assignee. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

Applicants and the undersigned attorney appreciate the courtesies extended during the telephonic interview on 09/23/2004. The claims have been amended as discussed in the interview, with the addition of dependent claims 82, 83, and 86. While no agreement was reached, and the examiner reserved the right to supplement the prior art search, applicants believe the claims should be in a condition for allowance.

Claims 21-31 were rejected under 35 U.S.C. § 101. Applicants have cancelled claims 21-31. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 21-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2003/0061202 ("Coleman"). Applicants note that Coleman purports to claim priority as a continuation-in-part of U.S. Application Serial No. 09/615,177, filed July 13, 2000. However, Applicants submit that this priority claim is not conclusive on the issue of the proper priority date to be accorded to Coleman. As a continuation-in-part, Coleman contains matter not disclosed in U.S. Application Serial No. 09/615,177. (See MPEP 201.08). It is not clear the extent to which the disclosure of Coleman adds matter not disclosed in U.S. Application Serial No. 09/615,177. Accordingly, the extent to which Coleman is entitled to the priority date of U.S. Application Serial No. 09/615,177 is not clear.

Coleman itself was filed on December 15, 2000, whereas the present application was filed on July 19, 2001. However, the present application claims priority to U.S. Provisional Application Serial No. 60/219,783, which was filed on July 19, 2000. In light

of the foregoing, Applicants submit that the priority date for the present application may pre-date the priority date for Coleman, such that Coleman does not constitute prior art for purposes of 35 U.S.C. § 102. Accordingly, Applicants expressly reserve all rights and arguments with respect to the issue of Coleman being prior art relative to the present application.

Notwithstanding Coleman's questionable status as "prior art," Applicants have cancelled claims 21-53. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

In addition, Applicants note several non-exhaustive distinctions between the teachings of Coleman and the present claims. Coleman is directed to an on-line shopping system where a customer essentially fills in blanks on a web page corresponding to traits the customer desires in a particular type of product. Based on the desired traits indicated by the customer, the system provides product recommendations based on those desired traits. By contrast, pending independent claim 54 recites a two-tiered inquiry – one set of questions for determining a problem domain, and another set of questions for determining the customer's needs relating to the problem domain. Applicants submit that Coleman is devoid of any teaching of such a two-tiered inquiry. In addition, with respect to pending independent claims 80 and 84, the claims recite a human agent as an intermediary between the customer and the processing system. By contrast, Coleman teaches direct interaction between the customer and the on-line shopping system.

While Applicants have noted some of the significant differences between the pending claims and the cited reference, it should be noted that other claimed features are not taught or suggested in the cited references. Furthermore, the dependent claims add other limitations that further distinguish over the cited reference. Applicants reserve all rights and arguments with respect to those claimed features not expressly discussed above.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicants respectfully request reconsideration and an early notice of allowance.

Respectfully Submitted,

  
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